

AMENDED IN ASSEMBLY JUNE 14, 2004

AMENDED IN SENATE MARCH 22, 2004

SENATE BILL

No. 1542

Introduced by Senator Figueroa

February 19, 2004

An act to amend Sections 9882 and 9884.17 of, *and to add Section 9882.6 to*, the Business and Professions Code, relating to automotive repair.

LEGISLATIVE COUNSEL'S DIGEST

SB 1542, as amended, Figueroa. Bureau of Automotive Repair.

The Automotive Repair Act creates the Bureau of Automotive Repair in the Department of Consumer Affairs, with certain powers and duties relative to the licensing and regulation of automotive repair dealers and various other licensees. Existing law requires the ~~Joint-Legislative Sunset Review~~ Committee on Boards, Commissions, and Consumer Protection to hold a public hearing every 4 years to receive testimony from the Director of Consumer Affairs and the bureau, and to evaluate the bureau's effectiveness and efficiency. Existing law requires the bureau to design and approve a required sign at all automotive repair dealer locations advising the public of the bureau's telephone number and other related matters. A violation of the Automotive Repair Act is a crime.

This bill would also require the sign to include the bureau's Internet address. By changing the definition of a crime, the bill would impose a state-mandated local program. The bill would make nonsubstantive changes to the provisions governing the ~~Joint-Legislative Sunset Review Committee's~~ committee's review of the bureau.

This bill would require the director to appoint a Bureau of Automotive Repair Enforcement Monitor by January 1, 2005. The bill would require the monitor to review and evaluate the bureau and research and analyze specified issues. The bill would require the monitor to submit a report to the director, bureau, and Legislature by June 1, 2005.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9882 of the Business and Professions
2 Code is amended to read:
3 9882. (a) There is in the Department of Consumer Affairs a
4 Bureau of Automotive Repair under the supervision and control of
5 the director. The duty of enforcing and administering this chapter
6 is vested in the chief who is responsible to the director. The director
7 may adopt and enforce those rules and regulations that he or she
8 determines are reasonably necessary to carry out the purposes of
9 this chapter and declaring the policy of the bureau, including a
10 system for the issuance of citations for violations of this chapter
11 as specified in Section 125.9. These rules and regulations shall be
12 adopted pursuant to Chapter 4.5 (commencing with Section
13 11371) of Part 1 of Division 3 of Title 2 of the Government Code.
14 (b) In 2003 and every four years thereafter, the Joint
15 Legislative Sunset Review Committee shall hold a public hearing
16 to receive testimony from the Director of Consumer Affairs and
17 the bureau. In those hearings, the bureau shall have the burden of
18 demonstrating a compelling public need for the continued
19 existence of the bureau and its regulatory program, and that its
20 function is the least restrictive regulation consistent with the public
21 health, safety, and welfare. The committee shall evaluate and
22 review the effectiveness and efficiency of the bureau based on
23 factors and minimum standards of performance that are specified

1 in Section 473.4. The committee shall report its findings and
2 recommendations as specified in Section 473.5. The bureau shall
3 prepare an analysis and submit a report to the committee as
4 specified in Section 473.2.

5 SEC. 2. *Section 9882.6 is added to the Business and*
6 *Professions Code, to read:*

7 9882.6. (a) (1) *The Director of Consumer Affairs shall*
8 *appoint a Bureau of Automotive Repair Enforcement Monitor no*
9 *later than January 1, 2005. The director may retain a person for*
10 *this position by a personal services contract. In this connection,*
11 *the Legislature finds, pursuant to Section 19130 of the*
12 *Government Code, that this is a new state function.*

13 (2) *The director shall supervise the enforcement monitor and*
14 *may terminate or dismiss him or her from this position.*

15 (b) *The director shall advertise the availability of this position.*
16 *The requirements for this position shall include experience in*
17 *performing audits of operating state administrative regulatory*
18 *agencies, familiarity with state laws, rules, and procedures*
19 *pertaining to the bureau, and familiarity with relevant*
20 *administrative procedures.*

21 (c) (1) *The enforcement monitor shall review and evaluate the*
22 *bureau and perform other duties designated by the director.*

23 (2) *This monitoring duty shall be on a continuing basis for a*
24 *period of no more than two years from the date of the enforcement*
25 *monitor's appointment and shall include, but not be limited to,*
26 *researching and analyzing the following:*

27 (A) *Creating a statutory definition of the term "fraud."*

28 (B) *The establishment in regulation of formalized diagnostic*
29 *and repair standards.*

30 (C) *The licensing or registration of technicians working within*
31 *the various fields of automotive repair.*

32 (D) *The establishment in regulation of a formal code of conduct*
33 *for automotive repair dealers and technicians.*

34 (3) *The enforcement monitor shall exercise no authority over*
35 *the bureau's management or staff; however, the bureau and its staff*
36 *shall cooperate with him or her; and shall provide data,*
37 *information, and files as requested by the monitor to perform all*
38 *of his or her duties.*

1 (4) *The director shall assist the enforcement monitor in the*
2 *performance of his or her duties, and the enforcement monitor*
3 *shall have the same investigative authority as the director.*

4 (d) *The enforcement monitor shall submit an initial written*
5 *report of his or her findings and conclusions to the director, the*
6 *bureau, and the Legislature no later than June 1, 2005, and every*
7 *six months thereafter, and shall be available to make oral reports*
8 *to each if requested to do so. The enforcement monitor may also*
9 *provide additional information to either the department or the*
10 *Legislature at his or her discretion or at the request of either the*
11 *department or the Legislature. The enforcement monitor shall*
12 *make his or her reports available to the public and the media. The*
13 *enforcement monitor shall make every effort to provide the*
14 *department and the bureau with an opportunity to reply to any*
15 *facts, finding, issues, or conclusions in his or her reports with*
16 *which the department or the bureau may disagree.*

17 (e) *The costs associated with the employment of an operations*
18 *manager shall be funded from the bureau's special fund.*

19 (f) *This section shall remain in effect only until April 1, 2006,*
20 *and as of that date is repealed unless a later enacted statute, that*
21 *is enacted before April 1, 2006, deletes or extends that date.*

22 SEC. 3. Section 9884.17 of the Business and Professions
23 Code is amended to read:

24 9884.17. The bureau shall design and approve of a sign which
25 shall be placed in all automotive repair dealer locations in a place
26 and manner conspicuous to the public. That sign shall give notice
27 that inquiries concerning service may be made to the bureau and
28 shall contain the telephone number and Internet Web site address
29 of the bureau. The sign shall also give notice that the customer is
30 entitled to a return of replaced parts upon his or her request therefor
31 at the time the work order is taken.

32 ~~SEC. 3.~~

33 SEC. 4. No reimbursement is required by this act pursuant to
34 Section 6 of Article XIII B of the California Constitution because
35 the only costs that may be incurred by a local agency or school
36 district will be incurred because this act creates a new crime or
37 infraction, eliminates a crime or infraction, or changes the penalty
38 for a crime or infraction, within the meaning of Section 17556 of
39 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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